

REMARKS

The Office Action dated June 10, 2009 has been carefully considered. Claim 19 has been canceled in order to expedite the allowance of claims and without conceding to the merits of the Examiner's rejection of that claim. This moots the rejection under 35 U.S.C. § 112, first paragraph.

35 USC § 102

Claims 1, 3-36, 39-40, and 42-47 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,326,542. Applicant traverses the rejection.

The applied reference, U.S. Patent No. 7,326,542 has two inventors who are also co-inventors of the present application and who are the sole inventors of claims 1, 3-36, 39-40 and 42-47. Therefore, U.S. Patent No. 7,326,542, applied as anticipating certain claims of the present invention, is not the invention "by another" as to those claims. A Declaration provided under 37 CFR 1.132 is submitted herewith in support of this argument.

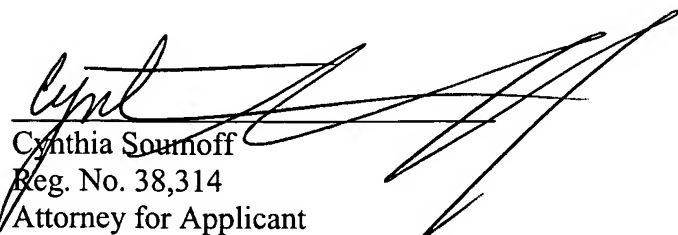
Applicant respectfully requests that the rejection be withdrawn.

Since these are the sole issues remaining with regard to patentability, the examiner is invited to call Applicant's legal representative for any other minor issues that may surface, in order that the current case be moved expeditiously toward allowance.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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